

# **INTER-OFFICE MEMO**

**TO: Beverly Najarian, Director    DATE: February 2, 2006**

**DEPT: Administrator**

**FROM: Dennis Gertsmeier, Acting Chairperson**

**DEPT: Division of Motor Vehicles**

**SUBJECT: HEARING BOARD RESULTS**

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**Please be advised of the following matters which were heard before the board on Thursday January 26, 2006. Also be advised the following people were present during the hearings: Joseph I. Monteiro, Chief, Enforcement/Regulations, Legal Counsel Susan Wilson Esq., Division of Legal Services and the Hearing Board members:**

**James Botvin, Dennis Gerstmeyer, and Lt. David Palmer of the Rhode Island State Police.**

**Absent was Walter Craddock, Esq., and Thomas P. Ricci**

**1. Regal Auto Sales & Service, LLC – Transfer Application:**

**DECISION:** The board granted the transfer application of Regal Auto Sales & Service, LLC, from 382 Pawtucket Avenue, Pawtucket, RI 02860 to 65 East Street, Pawtucket, RI 02860.

**2. Bob's Motorcycle Sales – Request for Additional Motorcycle Plates**

**DECISION:** The board granted Bob's Motorcycle Sales two (2) additional motorcycle dealer plates subject to maintaining 5 additional employees.

**3. Erica DaSilva V. Bald Hill Subaru-Dodge – Complaint / Show Cause Hearing.**

**“This matter was postponed due to lack of quorum on this case.”**

**4. Paula Porreca v. Lincoln Dodge, Inc., - Show Cause Hearing.  
5th Rescheduled Hearing.**

**This matter was postponed by Attorney Joseph De Angelis, who represents Lincoln Dodge, Inc.**

**5. Edward Valenti v. Herb Chambers Cadillac, Inc., - Complaint / Show Cause Hearing.**

**This matter was postponed by Edward Valenti.**

**6. Kira Wills v. Cyber Auto Sales – Complaint/ Show Cause Hearing**

**DECISION:** After hearing testimony and reviewing all relevant evidence, the Board ordered the following:

**1. Consumer is to return the vehicle to the dealer, in exchange for a refund of the entire purchase price of \$7,500.00 plus \$125.00 paid for an extended warranty and temporary plates, for a total refund of \$7,625.00.**

**2. Dealer to pay \$100 fine for violation of §31-1-19(b) and §31-38-1 and Section VI, paragraph (s) of the Rules and Regulations: lack of valid inspection sticker at time of sale.**

**3. Dealer to pay \$100 fine for violation of Section VII, paragraph (f) of the Rules and Regulations: failure to provide title in a timely manner.**

**4. Dealer to pay \$100 fine for violation of Section VI, paragraph (l) of the Rules and Regulations: transaction negotiated by a non employee.**

**5. Dealer to pay two fines, in the amount of \$75 each for two violations of §31-3-40(b): issuing a second temporary plate and**

**altering the date on a temporary plate.**

**6. Cyber Auto Sales' dealers' license is suspended indefinitely under Section II, paragraph (a) of the Rules and Regulations and under §31-5-11.**

**7. Irene Hazard v. Ziggy's Auto Sales.- For discussion only.**

**“Postponed due to lack of quorum on this case”**

**8. Ann Montaquila v. Electra Auto Sales, Inc., - For discussion only.**

**“The Motor Vehicle Dealers' Board does not have jurisdiction over this matter, and cannot render a decision. The investigator will send a ‘no recourse’ letter to the complainant.”**

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**Dennis Gertsmeier**  
**Acting Chairman**

**cc: Charles F. Dolan, Administrator, Division of Motor Vehicles**

**John DiTomasso, Assistant Administrator – DMV**

**Joseph I. Monteiro, Chief, Enforcement/Regulations – DMV**

**Susan Wilson, Esq., Division of Legal Services – DOA**

**Sandra Murphy-Crowe, Administrator of Adjudication – DOA**

**Stacy DiCola, Office of the Secretary of State**

**File**